IN THE HIGH COURT OF JUDICATURE OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO. 1727/2002

PETITIONERS : 1. Nitish Kumar Biswas
S/o Niranjan Biswas
Aged about 38 years
R/o Vill. & Post Suhikhadan
Distt. Rajnandgaon (C.G.)

2. Arabind Kumar Sarkar
S/o Aotul Sarkar
Aged about 35 years
R/o Vill. & Post Kawardha
Distt. Kawardha (C.G.)

3. Palash Malik
S/o Sheshir Malik
Aged about 34 years
R/o Vill. & Post Nariyara.
Distt. Bilaspur (C.G.)

VERSUS

RESPONDENTS : 1. State of Chhattisgarh
Through the Secretary,
Department of Health &
Family Welfare, D.K. Bhawan
Raipur (C.G.)

2. State of M.P.
Through the Secretary
Department of Health &
Family Welfare, Bhawan Bhopal

P. R. No. ..... Presented by Shri ..... dated .....

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3. The M.P. Board of Ayurvedic and Unani System of Medicine and Naturopathy, Bhopal (M.P.) Through the Registrar, Shyamla Hills, Bhopal (M.P.)

WRIT PETITION UNDER ARTICLE 226/227 OF CONSTITUTION OF INDIA

(53)

HIGH COURT OF CHHATTISGARH : BILASPUR

In the matter of an application under Articles 226 and 227 of the Constitution of India.

W.P.No.1654/2002

Sanjay Kumar Baghel and another — Petitioners

Versus

State of Chhattisgarh and Others — Respondents

W.P.No.1727/2002

Nitish Kumar Bishwas & Others — Petitioners

Versus

State of Chhattisgarh and Others — Respondents

W.P.No.1885/2002

Abdul Salim Raj & Others — Petitioners

Versus

State of Chhattisgarh and Others — Respondents

For Petitioners : Shri Prashant Mishra
Shri Manoj Paranjape (in W.P.No.1727/2002)

For Respondents : Shri Sanjay Kumar Agrawal, Dy. A.G. for respondent No.1.

None for respondent Nos.2 & 3

Ms. Sharmila Singhai for respondent No.4.

Date of Order

28-10-2002

PRESENT:

HON'BLE SHRI JUSTICE P.C. NAIK

Since a common question is involved in these three petitions, on the prayer of the learned counsel for the

parties, they are heard analogously and are being disposed of by this common order.

In view of the limited nature of the prayer made at the time of hearing, which is for a direction to the respondent No.3 to consider the question of registration of the petitioner in accordance with the rules, regulations and guidelines governing the field, no useful purpose will be served in keeping this writ petition pending, which on the prayer of learned counsel for the parties, are being disposed of at the admission stage.

According to the petitioners (in each petition), they have acquired Vaidya Visharad and Ayurved Ratna qualification from Hindi Sahitya Sammelan, Prayag – Allahabad and on the basis thereof, they had approached respondent No.3 for issuance of a form so as to enable them to apply for registration, but the said respondent No.3 did not issue any form with the result that they have not been able to get themselves registered as Pharmacists. Aggrieved therewith, the petitioners are before this Court.

In support of their claim for registration, reliance is placed on a decision of the M.P. High Court in M.P.No.287/1990 (Sekhar Jain – Vs – State of Madhya Pradesh & Others) and W.P.No.558/2001 (Zehirulla Khan & another – Vs – State of Chhattisgarh & Others), copies whereof are annexed as P–1 and P–12 (in

W.P.No.1654/2002), P – 3 and P – 6 (in W.P.No.1727/2002) and P – 1 and P – 17 (in W.P.No.1885/2002). In rebuttal, the State has relied on the judgment of the Supreme Court in the case of State of Rajasthan – Vs – Lata Arun, 2002 A.I.R. S.C.W. 2966. However, in view of the limited nature of the prayer made, it is not necessary to go into the merits of the case.

Accordingly, in view of the prayer made at the time of hearing, the writ petition is disposed of by directing the respondent No.3 to issue appropriate forms to each petitioner, so as to enable them to apply for registration. It is made clear that the issuance of a form under the direction of a Court is not to be construed as a direction requiring the said respondent to grant registration to the petitioners. The question of their registration will have to be decided on merits by the respondent No.3 in accordance with the rules, regulations and guidelines governing the field and in case the authorities come to the conclusion that under the said rules, regulations and guidelines the petitioners are not entitled for registration, this order shall not preclude them from passing appropriate orders to that effect.

A copy of this order be kept in W.P.No.1727/2002 and 1885/2002.

Sd/-
P.C.Naik
Judge

Murthy.